

DRAWING AMENDMENTS

See accompanying Replacement Sheets and REMARKS

REMARKS

In order to place his application in condition for allowance, Applicant has carefully reviewed the specification, drawings and claims of his patent application.

In the specification, he noted errors in the numbering of two components of his invention. Accordingly, by this Amendment, the Specification has been corrected at page 14, line 6 to change ``58'' to -56—and at page 15, line 14 to change ``39'' to -30—.

In the drawings, he noted that the number 14 was missing in Fig. 2 and that the numbers 14 and 16 were missing in Figs. 3, 3A and 5. Accordingly, with this Amendment, Applicant has submitted replacement sheets of drawings adding the number 14 to Fig. 2 and adding the numbers 14 and 16 to Figs. 3, 3A and 5 as indicated.

As to the provisional rejection of claims 1-15 on the grounds of nonstatutory obviousness-type double patenting, Applicant submits with this Amendment a copy of his Express Abandonment of his earlier filed co-pending patent application upon which that rejection was based. That Express Abandonment was mailed to the USPTO on March 10, 2006 and should remove the basis for the obviousness-type double patenting rejection of claims 1-15 of the subject patent application.

As to the rejection of claims 1 and 3-9 under 35 USC 102(b) and/or 35 USC 103(a), Applicant has amended claims 1 and 3 to more clearly and specifically define his invention as

including physical vibration generation means for generating low level physical vibration patterns having user independently time duration adjustable components corresponding to (i) a time duration for a back swing of a golf club, (ii) a time duration for a pause at the top of the back swing and (iii) a time duration for a down swing of the golf club (claim 1) and user programmable means for independently adjusting time duration adjustable components of the vibration patterns (claim 3).

Applicant submits that Sabowitz clearly does not teach the structure as now defined by amended claims 1 and 3 (and hence claims 4-9 that depend directly or indirectly from amended claim 1 or 3). Accordingly, Applicant submits that the rejection of claims 1 and 3-9 under 35 USC 102(b) has been overcome and should be withdrawn.

As to the rejection of claims 1 and 3-9 under 35 USC 103(a) as obvious over Sabowitz in view of Fulford or the Official Notice taken by the Examiner, Applicant submits that he can find no teaching or even a remote suggestion in either of the patent references or in the Official Notice information of physical vibration generation means for generating physical vibration patterns having user independently time duration adjustable components corresponding to (i) a time duration for a back swing of a golf club, (ii) a time duration for a pause at the top of the back swing and (iii) a time duration for a down swing of the golf club (claim 1) and user

programmable means for independently adjusting time duration
adjustable components of the vibration patterns (claim 3). If the Examiner disagrees with Applicant in these regards, Applicant respectfully asks the Examiner to specifically refer him to such teachings or suggestions in the patent references or in the Official Notice information cited by the Examiner.

Applicant's attorney has carefully considered each of the patent references and the Official Notice information cited by the Examiner and agrees with Applicant that there does not appear to be any suggestion or teaching in either patent reference or the Official Notice information or in any logical combination of such teachings that renders obvious the combinations as now set forth in amended claims 1 or 3 or any claim dependent therefrom.

Accordingly, Applicant submits that the amendments to claims 1 and 3 have overcome the above-noted rejection of claims 1 and 3-9 under 35 USC 103(a) and that such rejection should be withdrawn.

As to the rejection of claims 1-15 under 35 USC 103(a) over Burke in view of Tuer and Conley, Applicant has carefully studied each of these references and submits that his above-noted amendments to claims 1 and 3 are neither taught or suggested by any of Burke or Tuer or Conley or any logical combination of their teachings. Applicant's attorney concurs with Applicant. The generation of physical vibration patterns having user independently time adjustable components are not taught or suggested by any of the cited references. While the adjustment

of a metronome-like device or system to produce signals of different frequency is well known and taught by the references, none of these reference teaches or suggests user operable means for independently adjusting the time duration of different portions of the sound patterns generated by such devices or systems. Clearly, none of the cited references teaches or suggests the generation of physical vibration patterns having user independently time duration adjustable components corresponding to (i) a time duration for a back swing of a golf club, (ii) a time duration for a pause at the top of the back swing and (iii) a time duration for a down swing of the golf club (claim 1) and user programmable means for independently adjusting time duration adjustable components of the vibration patterns (claim 3). Absent such teachings or suggestions, the combination of cited references is not a proper basis for rejecting under 35 USC 103(a) either of amended claims 1 or 3 or any claim dependent therefrom.

Accordingly, Applicant submits that claims 1-15 define patentably over all art of record. The allowance of such claims is therefore earnestly solicited.

Respectively submitted,



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